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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,703	07/09/2003	Jonathan J. Oliver	PA3626US	1579
22830	7590	09/19/2007		
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			EXAMINER DUONG, OANH L	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/616,703

Applicant(s)

OLIVER ET AL.

Examiner

Oanh Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,10,11,13,14 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1, 3-7, 10-11, 13-14, 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1, 3-7, 10-11, 13-14, and 17-24.  
Claims 2, 8-9, 12, 15-16 have been canceled.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, 10-11, 13-14, 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (hereinafter, Patel), US 7,149,778 B1, in view of Malcolm et al. ("Malcolm"), US 2003/0041280 A1.

Regarding claim 1, Patel teaches a method for classifying a message comprising:

receiving the message (col. 8 lines 39-40), the message including a message body (col. 3 lines 52-58);

identifying all items of a certain type in the message body (col. 5 lines 48-55 and col. 4 lines 52-58);

determining whether each of the items of a certain type meets a criterion (col. 9 lines 7-16), the criterion corresponding to acceptable item (col. 5 lines 4-25);

classifying the message based on whether each of the items of certain type are determined to meet the criterion (col. 8 line 35-col.9 line 6); and

processing the message in accordance with the classification of the message (col. 9 lines 7-16).

Patel does not explicitly teach reducing each of the items of a certain type to a canonical equivalent that identity a group of synonymous words or phrases.

Malcolm teaches a system wherein network identifiers such URLs is provided (abstract). Malcolm teaches URL/item is converted/reduced to a canonical form prior to determining the URL signature (page 5 paragraph [0070]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Patel to convert the item(s) to a canonical form as taught by Malcolm. One would be motivated to do so to allow different items, which in fact present the same entity, to be identified.

Regarding claim 3, Patel teaches the method of claim 1 wherein the items of a certain type include a distinguishing property (col. 9 lines 7-16).

Regarding claim 4, Patel teaches the method of claim 1, wherein the items of a certain type include a contact point (col. 9 lines 7-16).

Regarding claim 5, Patel teaches the method of claim 4, wherein the contact point includes a universal resource locator (URL) (col. 18 lines 47-58).

Regarding claim 6, Patel the method of claim 4, wherein the contact point a phone number (col. 18 lines 50-53).

Regarding claim 7, Patel teaches the method of claim 1, wherein the contact point includes an address (col. 3 lines 52-58).

Regarding claim 10, Patel-Malcolm teaches the method of claim 1, wherein determining whether the canonical equivalent of each of the items of a certain type meets a criterion further includes computing a signature based on the canonical equivalent (Malcolm, page 5 paragraph [0070]).

Regarding claim 11, Patel-Malcolm teaches the method of claim 10, wherein determining whether each of the items meets the criterion further includes determining whether the signature exists in a database of acceptable signatures (Patel, col. 9 lines 53-63).

Regarding claim 13, Patel teaches the method of claim 1, further comprising updating a database of acceptable items through a registration process (col. 19 lines 5-

7).

Regarding claim 14, Patel teaches the method of claim 13, wherein the registration process includes:

receiving a registration message; checking a certificate associated with the message, the certificate confirming that the registration message is from an acceptable source, extracting an item from the message; and adding an entry derived from the item to the database of acceptable items (col. 5 lines 4-16 and col.5 line 64-col. 6 line 10).

Regarding claim 17, Patel the method of claim 1, further comprising updating a database of acceptable items by aggregating user input (col. 5 lines 4-16).

Regarding claim 18, Patel teaches the method of claim 17, wherein aggregating user inputs includes:

extracting an item from a user classified messages (col. 19 lines 15-16); and

updating the state of the item based on user classification (col. 19 lines 16-17).

Regarding claim 19, the method of claim 1 , further comprising updating a database of acceptable items by post-processing stored messages (col. 19 lines 15-17).

Regarding claim 20, this claim recites a system for performing a method claim 1, discussed above, same rationale of rejection is applicable.

Regarding claim 21, this claim comprises a computer-readable storage medium embedded thereon a program the program being executable by a computer to perform a method claim 1, discussed above, same rationale of rejection is applicable.

Regarding claim 22, Patel teaches the method of claim 11, further comprising updating database of acceptable signatures through a registration process (col. 5 lines 4-16).

Regarding claim 23, Patel teaches the method of claim 1, wherein processing the message in accordance with the classification of the message includes delivering the message to an intended recipient of the message if the message is classified as non-spam (col. 9 line 52-63).

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (hereinafter, Patel), US 7,149,778 B1, in view of Malcolm et al. ("Malcolm"), US 2003/0041280 A1 and Andrews et al. ("Andrew"), US 2003/0204569 A1.

Regarding claim 24, Patel teaches the method of claim 1.

The combination of teachings of Patel and Malcolm does not explicitly teach wherein processing the message in accordance with the classification of the message

includes further analysis of the message if the classification of the message is indeterminate.

Andrew, in the same e-mail filtering field of endeavor, teaches processing the message in accordance with the classification of the message includes further analysis of the message if the classification of the message is indeterminate (page 4 paragraph 00033]-[0034)).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of teachings of Patel and Malcolm to process the message in accordance with the classification of the message includes further analysis of the message if the classification of the message is indeterminate as taught by Andrew. One would be motivated to do so to enable the incoming message to be extremely cautious examined in order to avoid discarding valid email (Andrew, page 4 paragraph [0035)).

### ***Response to Arguments***

5. Applicant's arguments filed 07/09/2007 have been fully considered but they are not persuasive.

Applicants argued that there is no motivation to combine Patel and Malcolm.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the



references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Patel teaches an e-mail system wherein contact information such as URL in the email message is used to sort/filter the email message (col. 10 lines 44-63). Malcolm teaches URL is converted to a canonical form (page 5 paragraph [0070]). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the email system of Patel to convert URL to a canonical form as taught by Malcolm. One would be motivated to do so to allow different URLs, which in fact represent the same entity, to be easily identified.

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
O. Duong  
Primary Examiner  
September 12, 2007